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Attorneys for Bank of Montreal, as Administrative Agent

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

BANK OF MONTREAL, as Administrative
 Agent,

Plaintiff

v.

SK FOODS, LLC

Defendant.

v.

SK PM CORP. and FREDERICK SCOTT
 SALYER, as Trustee for the Scott Salyer
 Revocable Trust, FREDERICK SCOTT
 SALYER, in his Individual Capacity

Respondents.

Case No. 11-CV-80133 MISC-EJD (HRL)

**DECLARATION OF COUNSEL IN
 SUPPORT OF SERVICE EFFORTS**

Honorable Edward J. Davila

Place: Robert F. Peckham Federal
 Building
 280 South 1st Street
 San Jose, CA 95113

DECLARATION OF COUNSEL IN SUPPORT OF
 SERVICE EFFORTS - 11-CV-80133 EJD

Under 28 U.S.C. § 1746, I, Todd J. Dressel, declare as follows:

1. I am an attorney admitted to practice in the State of California and a partner of the firm of Chapman and Cutler LLP ("*Chapman*"). Chapman is counsel to the Bank of Montreal, as Administrative Agent ("*Agent*"), in the above-referenced matter. My business address is 525 Market Street, 26th Floor, San Francisco, CA 941045. The following is a discussion of the Agent's service efforts of the relevant documents filed in the matter, including:

1. MOTION FOR RULE TO SHOW CAUSE WHY JUDGMENT SHOULD NOT BE AMENDED TO ADD RESPONDENTS AS JUDGMENT DEBTORS [DOCKET NO. 2] ("*Motion*");
2. DECLARATION OF JAMES HEISER IN SUPPORT OF MOTION FOR RULE TO SHOW CAUSE WHY JUDGMENT SHOULD NOT BE AMENDED TO ADD RESPONDENTS AS JUDGMENT DEBTORS [DOCKET NOS. 3-7] ("*Heiser Declaration*");
3. MOTION TO EXPEDITE HEARING REGARDING MOTION FOR RULE TO SHOW CAUSE WHY JUDGMENT SHOULD NOT BE AMENDED TO ADD RESPONDENTS AS JUDGMENT DEBTORS [DOCKET NO. 8] ("*Motion to Expedite*");
4. ORDER GRANTING MOTION TO EXPEDITE HEARING REGARDING MOTION FOR RULE TO SHOW CAUSE WHY JUDGMENT SHOULD NOT BE AMENDED TO ADD RESPONDENTS AS JUDGMENT DEBTORS [DOCKET NO. 13] ("*Hearing Order*"); AND
5. CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT [DOCKET NO. 1] ("*Certification of Judgment*").

upon Defendant SK Foods LLC and Respondents SK PM Corporation ("*SK PM*") and Frederick Scott Salyer, as Trustee for the Scott Salyer Revocable Trust and in his individual capacity (collectively "*Salyer*"). The Agent has been informed and believes that Salyer is an officer and director of SK PM, as well as its sole ultimate shareholder.

PERSONAL SERVICE UPON SALYER INDIVIDUALLY AND AS AGENT

2. From June 30 to July 12, 2011, I caused John DiCarlo of Preferred Legal Services, Inc., to make multiple attempts of personal service on Salyer at his personal residence

3903 Ronda Road, Pebble Beach, California 93953 (the "*Salyer Residence*"). *See* Docket Nos. 19, 20 and 21.

3. The Agent is informed and believes that Mr. Salyer has been placed under house arrest by the U.S. District Court for the Eastern District of California at the Salyer Residence in connection with a criminal proceeding against him. Further, that Mr. Salyer was released into the custody of Calvin E. Carter of San Jose, California.

4. As stated by Mr. DiCarlo in his affidavits of service [Docket Nos. 19, 20 and 21], the Salyer Residence is a gated property with an intercom. No one answered Mr. DiCarlo's calls on the intercom despite, on at least one occasion, the lights of the residence being turned off during the attempted contact. *See Id.*

5. On July 1, 2011, Norma Holland-Dunham of Legal Process Service, personally served the Motion, Heiser Declaration and Motion to Expedite on Defendant SK Foods LLC's registered agent in the State of Nevada. *See* Docket No. 18.

6. On July 16, 2011, Mr. DiCarlo, after gaining attention of an adult male at the Salyer Residence, delivered the Motion, Heiser Declaration and Motion to Expedite by leaving the same at the Salyer Residence. *See* Docket Nos. 19, 20 and 21.

7. On July 18, 2011, Ms. Holland-Dunham personally served the Hearing Order on Defendant SK Foods LLC's registered agent in the State of Nevada. *See* Docket No. 22.

8. On July 29, 2011, I caused Kathryn Paz of Preferred Legal Services, Inc. to personally serve the Motion, Heiser Declaration, Hearing Order and Certification of Judgment on Mr. Carter. *See* Docket No. 23.

REQUESTS FOR ACCEPTANCE OF SERVICE

9. On July 8, 2011, I sent a letter with copies of the Motion, Heiser Declaration, Hearing Order and Certification of Judgment to Paul Pascuzzi of the law firm Felderstein Fitzgerald Willoughby & Pascuzzi LLP in Sacramento, California, requesting that Mr. Pascuzzi accept service on behalf of the Respondents. Mr. Pascuzzi is counsel to

1 Mr. Salyer in various matters pending before the United States Bankruptcy Court for the
2 Eastern District of California and the United States District Court for the Eastern District of
3 California. A true and correct copy of the July 8, 2011 Letter is attached hereto as Exhibit A.
4 On July 12, 2011, Mr. Pascuzzi sent me an e-mail stating that that he declined to accept
5 service. A true and correct copy of Mr. Pascuzzi's July 12, 2011 e-mail is attached hereto as
6 Exhibit B.

7 10. On July 13, 2011, I sent an e-mail attaching copies of the Motion, Hearing
8 Order and Certification of Judgment to Malcolm Segal of the law firm Segal & Kirby LLP in
9 Sacramento, California, requesting that Mr. Segal accept service on behalf of the Respondents.
10 Mr. Segal is lead counsel to Mr. Salyer in his criminal proceeding as well as various other
11 matters pending before the United States Bankruptcy Court for the Eastern District of
12 California and the United States District Court for the Eastern District of California. Later on
13 July 13, 2011, Mr. Segal sent a responding e-mail declining to accept service. A true and
14 correct copy of Mr. Segal's responding e-mail is attached hereto as Exhibit C.

15 11. On July 13, 2011, I sent an e-mail attaching copies of the Motion, Hearing
16 Order and Certification of Judgment to Andrea Miller of the law firm Nageley, Meredith &
17 Miller, Inc. in Sacramento, California, requesting that she accept service on behalf of SK PM
18 Corp. Ms. Miller is counsel to SK PM Corp. in various matters pending before the United
19 States Bankruptcy Court for the Eastern District of California and the United States District
20 Court for the Eastern District of California. On July 14, 2011, Jim Keowen, also of the law
21 firm Nageley, Meredith & Miller, Inc., sent a responding e-mail declining to accept service. A
22 true and correct copy of Mr. Keowen's responding e-mail is attached hereto as Exhibit D.

23 **SERVICE VIA UNITED STATES MAIL**

24 12. On July 13, 2011, I sent copies of the Motion, Heiser Declaration, Motion to
25 Expedite, Hearing Order and Certification of Judgment to Mr. Salyer at the Salyer Residence
26 via United States Mail. *See* Docket No. 17.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ *Todd J. Dressel*

5 DECLARATION OF COUNSEL IN SUPPORT OF
SERVICE EFFORTS - 11-CV-80133 EJD